

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Cause No. 1:15-cr-0008-JRS-DLP |
| |) | |
| MICHAEL BOYER, |) | |
| |) | |
| Defendant. |) | - 01 |

REPORT AND RECOMMENDATION

On February 13, 2020, the Court held a hearing on the Petitions for Warrant or Summons for Offender Under Supervision filed on March 11, September 6, and 26, 2019. Defendant appeared in person with his appointed counsel Sam Ansell. The government appeared by Abhishek Kambli, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Boyer of his rights and provided him with a copy of the petition. Defendant Boyer orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Boyer admitted violation number 5 (not all, as the current language suggests). [Docket No. 56.] Government orally moved to withdraw the remaining violations, which motion was granted by the Court.
3. The allegation to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

5

“The defendant shall not commit another federal, state or local crime.”

On September 23, 2019, Mr. Boyer was arrested and charged with strangulation and domestic battery, both felonies in Marion County, Indiana, under cause number 49G02-1909-F5-037461. According to the Affidavit for Probable Cause, officers arrived on the scene to find Mr. Boyer intoxicated, with blood shot eyes, and unsteady balance. The victim, Tenia Walker, is the mother of his children. Ms. Walker advised officers Mr. Boyer had been drinking all weekend and was still intoxicated. She indicated she was doing work at her home and the offender kept banging on the bedroom door and screaming profanities. Ms. Walker opened the door telling him to stop as he was interrupting her work. The offender then violently pushed her in the chest causing her to stumble backwards. Ms. Walker then pushed Mr. Boyer down the hallway and out of the front door of the residence. Once outside, Mr. Boyer grabbed Ms. Walker by the collar of her nightgown and proceeded to wrap it around her neck and squeezed tightly with one hand, causing her to have difficulty breathing. Ms. Walker told him to let her go multiple times as she could not breathe, but he did not stop. A neighbor heard the victim in distress and came over to help. The neighbor successfully removed Mr. Boyer’s hand from her neck, but he then used his other hand to grab her and continued to apply pressure. This went on for several minutes. Once Ms. Walker was finally freed of his grasp, she and the neighbor ran back in the house and shut the front door, leaving Mr. Boyer outside. Mr. Boyer continued to kick and strike the front door until officers arrived.

4. The parties stipulated that:

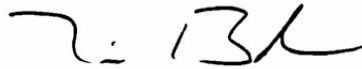
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is V.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 18 to 24 months’ imprisonment.

5. The parties jointly recommended a sentence of twenty (20) months with no supervised release to follow. Defendant requested placement in a substance abuse treatment program within the Federal Bureau of Prisons.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of twenty (20) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. This Magistrate Judge will recommend placement in a substance abuse treatment program within the Federal Bureau of Prisons.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 2/20/2020



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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